

*Approved Meeting Minutes
Joint Meeting of the
South Florida Ecosystem Restoration Working Group
and
Water Resources Advisory Commission
Ft. Lauderdale, FL
November 1, 2001*

Welcome and Administrative Announcements

Mike Collins called the meeting to order at 1:00 PM. Mike Collins and Wayne Daltry welcomed the members of the Working Group and Water Resources Advisory Commission. Joint Agenda provided (Encl. 1).

Working Group Members	Nov 1	Nov 2	Alternates
Aller, Chuck - FL Dept of Agriculture and Consumer Services	-	-	John Folks both days John Outland
Barnett, Ernie – FL Dept of Environmental Protection	√		
Best, Ronnie – U.S.G.S.	√	√	
Bradford, Mark – Bureau of Indian Affairs			
Brad Brown – NOAA, National Marine Fisheries Service	-	√	Essie Duffie
Billy Causey – NOAA, FL Keys Nat'l Marine Sanctuary	√	√	
Wayne Daltry - Southwest FL Regional Planning Council	√	√	
Henry Dean – South Florida Water Management District	√	-	Joan Lawrence second day
Frank Duke – Palm Beach County Planning	√	-	
Gene Duncan - Miccosukee Tribe of Indians of FL			
Maureen Finnerty – National Park Service			Bob Johnson
Dade County DERM (alternate)	-	-	Jim Ferro both days
George Hadley – U.S. Dept of Transportation	-	-	
Thaddeus Hamilton - U.S. Department of Agriculture	√	√	
Richard Harvey – Environmental Protection Agency	√	√	
Ronald Jones – Southeast Environmental Research Center	√	√	
Barbara Junge – U.S. Attorney's Office		√	
Carl Goodwin – NOAA	√	-	Judy Gray
Neal McAiley – U.S. Dept. of Justice	√	√	
COL Greg May - U.S. Army Corps of Engineers	-	-	Dennis Duke
Ken Metcalf – Department of Community Affairs			Ann Lazar
Donna Pope - FL Dept. of Transportation	-	-	Marjorie Bixby both days
Fred Rapach – Palm Beach County Water Utilities Dept	√	√	
Terry Rice – Miccosukee Tribe of Indians of Florida	√		
Jay Slack – U.S. Fish and Wildlife Service	√	√	
Rick Smith - Office of the Governor of Florida	-	-	
Ron Smola - U.S. Department of Agriculture	√	√	
Steve Somerville - Broward County Department of Natural Resource Protection	-	-	
Craig Tepper, Seminole Tribe of Florida			
Joe Walsh - Florida Fish and Wildlife Conservation Commission	√		
Julio Fanjul, Special Advisor	√	√	
Rock Salt, Special Advisor	√	√	

Presentation on WRAC as an Advisory to Task Force

John Fumero outlined the structure for WRAC interaction with the Governing Board to ensure that there is a regular exchange of information. Mike Collins questioned whether the Task Force should use the WRAC as an advisory body as allowed by legislation. Prior to the Task Force appointing the group as an advisory body, the Governing Board should be informed and allowed to discuss this prior to a decision being made. Fred Rapach noted his concern regarding how issues will be dealt with when there is a conflict since the commitment to the Governing Board comes first. Mike Collins noted that although there will be some advisory group set up by the Task Force, it may or may not be the WRAC. The Board can always decide not to take WRACs

advice. He was more concerned with the Task Force setting up a group that is not linked or knowledgeable of the issues. Henry Dean stated the WRAC, if asked to do so, would be a great advisory body to the Task Force. He saw nothing problematic for the WRAC to also advise the Task Force as both groups may or may not adopt anything recommended by this group. He would encourage the group to serve as an advisory body to the Task Force and noted the committee could advise the Task Force without the approval of the Governing Board. Wayne Daltry said he anticipated some policy recommendations particularly to Goal 3 and he would welcome the opportunity to see a work plan. He would like to hear from advisory councils particularly how this is handled currently and envisioned WRAC or other advisory body would be asked to comment on this. Mike Collins would be making a presentation to the Governing Board on this item and requested some WRAC members attend.

Programmatic Regulations Update

Stu Appelbaum gave a Power point presentation (Encl. 2)

- Current Status – considering changes to development process, drafting of regulations is underway, initial draft procedure for identifying water to be reserved for natural system developed
- Change federal comment period from 60 to 45 days
- Obtain agreement to reduce concurrence period from 180 to 120 days, this would allow more time for stakeholder dialogue
- He reviewed what should be included the Agreement between the President and Governor, State is currently taking the lead on agreement.

WRACs Programmatic Regulations Workshop Outcomes

Julio Fanjul reviewed the workshop outcomes (Encl. 3) and key policy issues that resulted from the WRAC Workshop held on October 9, 2001. Six areas were identified

1. Intent language
2. Amount of detail in programmatic regs
3. Scope and timing of reservations/allocations
4. Interim goals
5. Adaptive assessment
6. RECOVER

Shannon Estenoz suggested preparing a white paper laying out several issues but it was decided that it was premature. Fred Rapach said he would be supportive of documenting major issues. Beth Carlson agreed the tribe would be supportive to create a small group for discussion soon. Beverly Grady thought it would be helpful for a smaller group to pull something together for the WRAC to look at that might be helpful to members instead of the format of a list of issues. Barbara Miedema stated the Corps did a good job already of identifying issues in their presentations and defined different stakeholder positions particularly commonality and disagreement. She suggested the group hold off on additional work until there is a clear view of where the Programmatic Regulations are going. Mike Collins suggested instead of having narrow group, have a follow-on workshop that would be open to all the members. The Corps would be available at that meeting to educate as well.

Water Reservations for the Environment Overview

Kenneth G. Ammon provided a Power Point presentation (Encl. 4) on the draft Water Reservations (Encl. 5). He reviewed the process for identifying water for the natural system and consumptive uses made available through implementation of the Comprehensive Everglades Restoration Plan. He reviewed the WRDA assurances and State Statute assurance requirements.

CERP Funding

USACE - Dennis Duke reviewed the Fiscal Year 2001/2002 budget for CERP (Encl. 6). He noted this is just the first part and encouraged engagement in the Project Delivery Teams, if more

money needed then it will be shifted around. He also explained that each project has its own water quality feature. Current policy calls for no new start construction in FY 03. Ernie Barnett said there are no policy decisions made as of yet, some things the state may take the lead in construction. Dennis Duke announced there will be minimal impact in 2003.

State - Ernie Barnett stated that in typical Corps projects the local sponsor is responsible for land acquisition. It is anticipated that the federal share from 1996 – 2002 will be \$480 million worth of funds appropriated or expended for Everglades restoration. Similarly the state will be at the same level of funding. There will be a special session because of the \$1.4 billion shortfall. Everglades funding is the Secretary and Governor's highest priority. Shannon Estenoz encouraged the idea of having a strategy before going to Congress every year to ask for more and more money.

SFWMD - Henry Dean reported that \$48 million was set aside for CERP. The Governor reinforced the WMD and provided additional monies for the coming year. The District spent too much time and energy debating what criteria should be applied when seeking permits for ASR wells. If this is continued, it could lead to substantial litigation and delay which could have an adverse effect. He is recommending going forward with all ASR pilot projects and that all current permitting requirements be met and not seeking any variances from what is currently in the law. Water will be treated to the current standards.

This District will also be implementing projects to educate the public on the importance of water conservation. Ron Smola noted the concept of water conservation was almost never brought up and is not in the outreach plan. He welcomed the idea of educating folks on the need to conserve water.

WRDA 2002 Possibilities

Dennis Duke stated the possibilities include the Golden Gates Estates, Indian River Lagoon and Water Preserve Areas. IRL Feasibility Study report will be out next week in draft followed by public comment after which it is expected to be sent to Congress early next summer. Additional changes to the WPAs are currently being processed. Rock Salt added the WPAs scope of feasibility report going through some modifications.

Public Comment

Brenda Chalifour welcomed everyone to Dania Beach. She stated that the expansion of the Ft. Lauderdale Airport will destroy wetlands and urged that this issue be looked at carefully. She applauded Henry Dean's statements and stated it was a breath of fresh air.

Meeting Adjourned at 4:05PM.

*Approved Meeting Minutes
South Florida Ecosystem Restoration Working Group
Ft. Lauderdale, FL
November 2, 2001*

Welcome and Administrative Announcements

Wayne Daltry called the meeting to order at 8:30 AM. Agenda (Encl. 7) ratified.

Results from Working Group Role Discussion and Next Steps

Linda Friar presented the results of the three breakout sessions held at the last Working Group meeting to discuss the role of the Working Group in conflict Resolution, Science and Public Involvement.

Wayne Daltry asked for questions/discussions. Fred Rapach asked for a definition of the Working Group and its role as an advisory group for the Task Force. Rock Salt explained the WRDA 96 legislation. The fourth duty of the TF was to create a Florida-based advisory group but not to be considered an advisory group under FACA. When asked whether we are an advisory body, Rock Salt explained the Working Group does not have a formal advisory role to the Task Force in the legal sense. It facilitates the coordination of agency actions on restoration and is tasked with assisting the Task Force in carrying out its duties. Fred Rapach presented the ASR pilot project as an example of a role the SCT could play that is more than coordination. Rock said another role of Task Force is to facilitate conflict resolution among the players. Ronnie Best said the function of the WG is to get much of the work done and to bring the issues it can't resolve or that need to be elevated to a higher level to the Task Force. The group agreed its responsibility is broader than CERP.

Carl Goodwin said there was a recognition that ecosystem restoration has to be a science driven program and there needs to be better integration of the SCT with the WG. There does not seem to be enough communication between the two groups and the SCT would like to offer more assistance. Rock Salt said the discussion is about coming to grips with the purpose and scope of the relationship between the two groups. He proposed that the next step might be to reformulate the SCT charter and reexamine the current membership formula.

Richard Harvey focused on revising the membership to improve participation on the SCT and asked whether the concern is not enough participation by the Working Group. Ronnie Best said that seven Working Group members are on the SCT, but the SCT needs WG members or alternates at the meetings. He also said the rest of the charter is good and the SCT is functioning in a coordination role. He cited the coordination between the SCT and the ASR issue team as an example of coordination. Ronnie Best added the desire of the SCT to receive a written response from the Working Group when they decide not to take the SCTs recommended action.

John Ogden expressed concern that the agencies have not fully supported the SCT and without agency resources, it won't be successful. He stated that RECOVER has almost replaced the SCT because of the manpower and resources needed to staff RECOVER. Ron Smola addressed how stretched agency staff is and said that the general lack of recognition on the importance of agricultural science at the SCT level makes it problematic for USDA to participate. He also expressed concern that there is not a multi-agency effort to make sure that SCT products go anywhere, for example, the agricultural workshop product went nowhere due to lack of resources. Ernie Barnett said he saw the SCT's role as providing unbiased, unfiltered information to policy makers so they can make better decisions. **Action: Working Group asked each team to identify three key issues at the next meeting.**

Barbara Junge suggested that more discussion is needed to complete this agenda item and allow a discussion of conflict resolution and public involvement. She moved to amend the agenda and change the time allowed for this item. Joan Lawrence seconded the motion.

The discussion continued on the SCT. Ronnie Best explained the intent of the last two bullets is not to dictate to management but to provide science to support the ultimate decision. He further clarified that a product of the SCT does not represent the agencies on the SCT it is a product of the individual members of the SCT. Billy Causey said there is a need for more constant feedback, beyond the monthly SCT report. Ronnie Best said that the science group recommended a science presentation prior to each WG meeting when the SCT has a product. Rock Salt disagreed that this model would be successful because the Working Group members have not participated in these ½ day briefings in the past. Jay Slack sees the Working Group as the forum where members find out the important topics and the SCT provides scientific information. Fred Rapach advocated the Working Group using the SCT to address for example ASR microbial die-off and Barry Groves' seepage issues.

Richard Harvey said the WG adds the most value through the issue teams and they will now be looking to the SCT for assistance. He suggested the WG have two categories of issues: those to be addressed by the full group and those to be addressed by the issues teams and the SCT. Ronnie Best said that the commitment of resources must be made by members of the Task Force or Working Group since the SCT members don't have the authority to commit resources.

Barbara Junge said that focusing on the issues is a good approach and suggested a new model for discussing issues. She suggested the WG discuss all facets of an issue, funding, science, public outreach, litigation and perhaps even conflict resolution. At present, the SCT provides issue updates in isolation, rather than having the science of each topic presented as part of that discussion. John Folks pointed to the success of the Lake Okeechobee Issue Team where every agency participated and everyone worked together to achieve a common goal. It is important to recognize that the Working Group won't be able to settle conflicts when the missions of two member agencies are opposed. Neal McAliley stated his view that issues related to the SCT fell into different categories. These are procedural issues relating to how the Working Group interacts with the SCT. The WG needs to be clearer on what it needs from the SCT. There also are more substantive issues relating to the SCT. There are times when it appears that the WG really does not want to hear "science" or hear "bad news", even though the group says that it wants decisions made on sound science. There is also a substance question on who's doing the science i.e., CROGEE, RECOVER and SCT, with the SCT being the only scientific body not affiliated with CERP.

Joan Lawrence reported on the Conflict Resolution group and encouraged the WG to think about this as both issue resolution as well as conflict resolution. The group thought early identification of areas of conflict was important and identified 12 issues of current conflict and 5 issues of potential conflict. The group presented several levels of action the WG could take ranging from issue briefings to implementing the conflict resolution protocol. Jay Slack suggested that the assignment to all the sub-group teams should be not only to identify issues but to suggest next steps at the next meeting.

Rock Salt initiated the discussion on public involvement by stating that both science and conflict resolution are statutory duties, and the public involvement role of the WG is to insure public participation and coordination of activities. Linda Friar suggested the group take the comments and reframe the discussion in line with Jay Slack's comments. Thaddeus Hamilton moved that the public involvement roles and responsibilities be assigned to the Outreach, Environmental and Economic Equity Coordination Team. The motion was seconded by Brad Brown. Wayne Daltry asked for questions/discussion. Rock Salt said the question is whether the WG wants a group that is focused on service to underserved communities or does a broad outreach team with a subset of folks that deal with Environmental Justice. Jay Slack talked about the Corps and WMD outreach efforts and thought the WG needs to focus on how to coordinate everyone's efforts. Thaddeus Hamilton said that the WG's role is to work together to enhance the work of each agency in outreach. There is a need to coordinate efforts. Joan Lawrence said the WG could help with the Corps/SFWMD effort by building on the existing outreach plans and identify the gaps in the outreach efforts. Julio Fanjul suggested a presentation by the WMD on all facets of

their district-wide outreach efforts might be helpful. Dennis Duke echoed Joan Lawrence's comment and expressed the hope that the WG would not duplicate existing efforts. He said that another area in which the WG could help would be with feedback on how the message is being received and whether the goals of the outreach effort are being accomplished.

Thaddeus Hamilton moved that the public involvement responsibility role of WG be discussed by the Outreach, Environmental and Economic Equity Coordination Team and have the team make suggestions to the WG and the motion was seconded by Brad Brown. Rock raised a point of order that team has not yet been not created. Neal McAliley said the expectation of the team must be clarified and it was his understanding the team provides an opportunity to work together and the team will not dictate to the agency members. There will no oversight function and the team will give recommendations. Working Group members present voted in favor, Dennis Duke opposed. **Action: Working Group asked the three groups to identify the issues and suggested answers for presentation and discussion at the December meeting.**

Approval Items

- September Minutes (Encl. 8) - Dennis Duke made a motion to approve, Jay Slack seconded the motion. Wayne Daltry asked for discussion. Fred Rapach said that there were two action items that were to be discussed at this meeting: TMDL update and SFWMD status report on phosphorus and wanted to make sure the action items did not get glossed over. Ron Smola asked for clarification on Michael Goldstein's status as a Working Group alternate. Given Mayor Raul Valdes Fauli's resignation, Mr. Goldstein no longer represents the Mayor. Dade County DERM is now a member of the WG with Jim Ferro as DERM's representative. **Minutes approved with the correction that Michael Goldstein is no longer a member.**
- Environmental Justice Outreach and Coordination Team – Thaddeus Hamilton presented the Team Charter (Encl. 9) for a second reading. Two members of the public addressed this issue. Former Broward County Commissioner Sylvia Portier, representing the SF Ecosystem Restoration Advisory Committee said that her group is working to make sure that the restoration message is heard in the Black community. She expressed concern about conflicting meetings that appear to deliberately blocking minority participation. Ms. Portier expressed concern that the community is being left out and asked the membership of the OEEECT be expanded to include the SF Ecosystem Restoration Advisory Committee and read the list of attendees of that group's last meeting. There was discussion on the mechanism to add other members to the OEEECT. Elijah Luten, Assistant City Manager, City of Lauderhill also spoke. As a member of the Advisory Committee he spoke on how the group can be a conduit of information to the businesses, condo associations and schools in the city of Lauderhill. Rock Salt and Wayne Daltry said that after the ratification of the charter, the team meets and recommends whether more members are needed to achieve broad representation for the team. The names of those potential additional members are brought to the WG for approval. There was concern expressed as the OEEECT was formed as a coordination team with assigned functions which is different from an advisory team. Biscayne Bay Coordination Team was cited as an example of a team that will advise and coordinate and have non-governmental representatives. **Action: Working Group approved Charter.**

Get the Water Right

John Ogden asked for the Adaptive Assessment and the RECOVER Priorities topics be rescheduled for the next meeting. He provided a status report on the RECOVER MOU which has been approved internally by the WMD Governing Board. Many of the WG agencies are ready to sign it at this time, but not all final agency reviews are complete. The signing ceremony will be scheduled in conjunction with the Working Group or Everglades Coalition meeting in January. Fred Rapach asked for discussion on how Adaptive Assessment works at a future meeting as well as the RECOVER role in the PIRs. WRAC has recognized that RECOVER will play a larger role in water reservation and Fred wanted to ensure all the goals will be looked at.

Update on Water Shortage

Matt Morrison presented Power Point Presentation (Encl. 10) on the recent water shortage as well as the new conservation initiative and rule revisions. The Governing Board lifted water restrictions on most of the SFWMD service area last month with restrictions for Orange County continuing. An aggressive public outreach program dedicated to conservation will be initiated and a renewed emphasis on reuse will be part of this effort. The focus will be on incentives with regulatory measures as back-up actions as necessary. In Rule Development, CUP Water Conservation Rules (40E-2) are the regulations that dictate the SFWMD's conservation program. Rule revision approval is scheduled for the November Governing Board meeting. Neal McAliley asked about conservation measures focused on urban users and how much water is used per day out of the aquifer. Matt explained that staff was instructed by the Governing Board to examine this user group first. The staff is aware that golf courses, industrial uses and other users will need to be brought into the Conservation Program. Fred Rapach asked whether there will be a report on the drawdown available. Matt said there will be a complete report available in 3-6 months to identify all actions taken prior and during this drought.

Land Acquisition Team

Rock Salt gave a status report (Encl. 11) on behalf of John Outland and Rick Smith. The team will be coming to the next meeting with more detailed information. Fred Rapach asked about the change in WPA footprint and if the team is taking this into account. Rock Salt replied that the PIR will have more detailed project designs and the sheet will change at that time. Ernie Barnett said that the whole WPA is not just CERP and the SFWMD may acquire the whole area for other purposes. Craig Tepper asked whether there will be a targeted footprint on each project sheet and whether it would include the funding sources(s). Rock Salt explained that the LATT was tasked to identify the federal/state partnerships with an appendix that identifies other acquisition. Ernie Barnett said that the land acquisition projects that are included in the plan have a vetting process and that the plan is a compendium of efforts in this area.

East Everglades Land Acquisition

Barbara Junge gave a status update (Encl. 12) on the ongoing land acquisition. To date 90% of the declarations of takings have been filed and the acquired acreage is at 96 percent.

Goal 3 Steering Committee Update

Discussion tabled until the next meeting.

SCT Update

Ronnie Best stated the ASR issue team has asked the SCT for peer review of the ASR science issues. There will be a SCT member added to the ASR issue team. Richard Harvey asked whether that should be a Working Group member and indicated that he would also like to add a member from the Department of Health. Ronnie Best said the SCT would bring any new member nominees to this group. SCT reviewed the ecological models at their last meeting. RECOVER has also asked the SCT for assistance. John Ogden will bring a paper on this issue to next meeting. Peter Ortner has replaced Brad Brown on the SCT/CROGEE Liaison Committee. Guidelines will be developed on the relationship between the SCT and CROGEE. Bob Doren will brief the SCT at its next meeting on Invasive Exotic Animals. Flows White Paper will be discussed at the next meeting and draft for external review will be available after the SCT discussion. Role of the working group will also be discussed at next SCT meeting. Next SCT meeting is scheduled for November 13. Several members of the SCT and the Liaison Committee will have a joint meeting with CROGEE on November 29, 2001 in Ft. Myers, FL.

Joe Walsh asked what the questions on exotic animals were. Ronnie Best explained the SCT did not have enough guidance and this issue will be discussed further at the next SCT meeting. Fred Rapach commended Bob Doren for his work on exotic plants and wants to make sure this work is implemented. Rock Salt explained that Carol Goodyear's work on exotic animals was

given to the SCT to insure that it would not be lost. There was discussion on using Bob Doren's work on exotic plants as a model for the exotic animal piece.

2001 Annual Report Letter and Discussion

Wayne Daltry presented the draft (Encl. 13) asked for comments by Nov. 13. Rock Salt clarified that by statute, the Working Group must do a biennial report but in the Charter, the Task Force has asked for an Annual Report.

Federal Litigation Update

Neal McAliley reported on Friends of the Everglades vs. EPA, question before the court was whether EPA properly ruled that the Everglades Forever Act is consistent with state water quality standards. Judge Seitz ruled that EPA's determination that the EFA is consistent with the CWA is not arbitrary and capricious and this ruling may end the challenges of the EFA.

Executive Directors Report

Rock Salt announced there will be new federal appointments to the Task Force soon. Secretary Norton has not yet decided on who will serve as the Chair. There will be an effort to clarify the most productive role of the Task Force and give new guidance to the Working Group. It is hoped to schedule an Orientation Briefing for the new federal members and the other members will be invited to attend. Workplan, Action/Issues Tracking Chart, Issue Team Tracking Chart and draft 2002 Meeting Calendar (Encl. 14a – 14d) were presented without discussion.

Public Comment

None

Review of Working Group Requests/Follow-up Action Items

- Conflict Resolution, Science and Public Involvement groups have been tasked to identify three issues along with proposed solutions for further discussion at the next meeting. The issues identified on the Public Involvement piece are to be discussed by the newly created Outreach, Environmental and Economic Equity Coordination Team (OEEECT).
- The OEEECT is to assess their membership for balance and identify other potential members to achieve balance and bring that list back to the Working Group.
- Comments on the 2001 Annual Report Letter are to be given to OED, by mail or electronically, by November 13, 2001.
- Wayne asked for 1 hr. for a briefing on the Caloosahatchee River issues by the Watershed Council, on Charlotte Harbor by the Charlotte Harbor National Marine Estuary program and possibly a discussion of Estero Bay issues.
- Fred Rapach asked for a TMDL update as well as an update on the central collection of meetings. The issue is the maintenance of the schedule.
- Richard Harvey asked for time to discuss new ASR Team members.
- John Folks requested a Golden Gate Estates PIR update.

Meeting adjourned at 12:30 PM.

Enclosures:

1. Joint Meeting Agenda
2. Programmatic Regulations Power Point Presentation
3. WRACs Programmatic Regulations Workshop Outcomes
4. Water Reservations Power Point Presentation

5. Draft Water Reservations (October 29, 2001)
6. Fiscal Year 2001/2002 Power Point Presentation
7. Regular Working Group Meeting Agenda
8. Draft September Meeting Minutes
9. Draft Environmental Justice Outreach and Coordination Team Charter
10. Water Shortage Power Point Presentation
11. Land Acquisition Team Update
12. East Everglades Land Acquisition Update and Pie Chart
13. Draft Annual Report Letter
14. Executive Director's Update
 - a. 2001 Working Group Workplan
 - b. Action/Issues Tracking Chart
 - c. Issue Team Tracking Chart
 - d. Proposed 2002 Meeting Calendar
15. Working Group Roster
16. Florida Water Plan (July 2001)
17. Implementing Watershed Management